

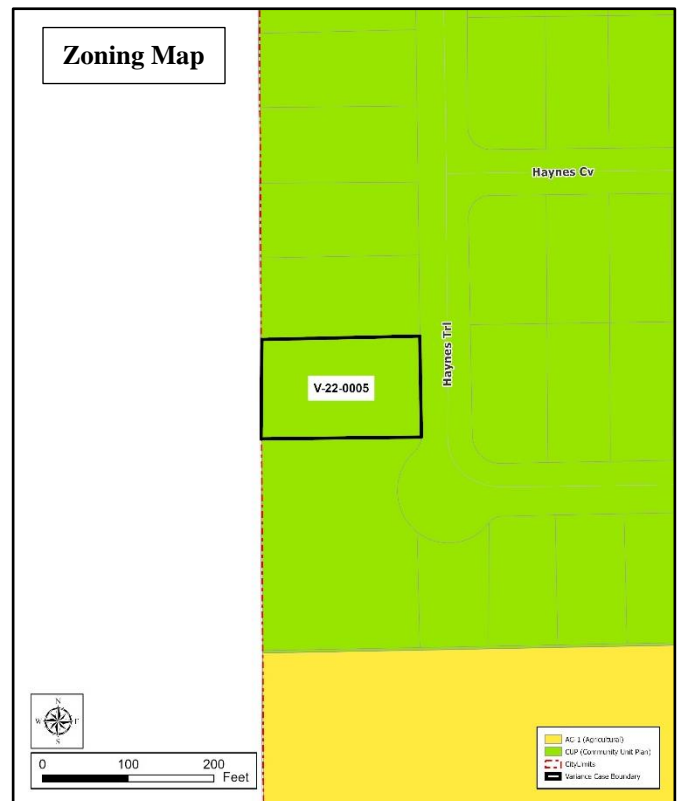


**Board of Zoning Appeals Meeting
April 19, 2022**

CASE NUMBER:	V-22-0005
PROPERTY LOCATION:	3042 Haynes Trail, Johns Creek, GA 30022
CURRENT ZONING:	CUP (Community Unit Planned District) Conditional
PARCEL SIZE:	0.35 Acres
PROPERTY OWNER:	Brad Kramer
VARIANCE REQUEST:	To encroach 30 feet into the 50-foot perimeter setback to construct a pool.
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Haynes Bridge Manor subdivision and is zoned CUP (Community Unit Planned District) Conditional, pursuant to rezoning case, Z-03-014. The neighboring properties to the west are located within the City of Roswell and the remaining properties are zoned CUP. All surrounding properties are developed with single-family detached homes.



Community Development

Applicable Code Requirements

Fulton County Zoning Case, 2003Z-0014 NFC, Condition 3.a.:

Perimeter Setback: 25 feet, with 35 feet along Haynes Bridge Road and 50 feet adjacent to Willow Springs Subdivision.

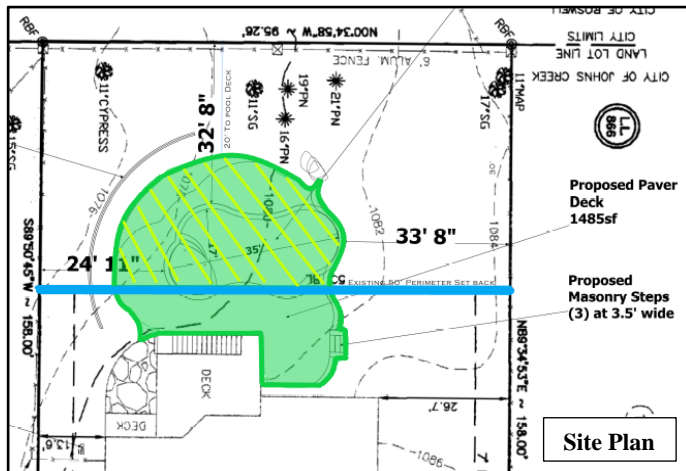
City of Johns Creek Code of Ordinances, Appendix A, Zoning, Article XIX: Administrative Permits and Use Permits. Section 19.3. – Minimum Administrative Permit Standards.

19.3.12. Swimming Pool, Private.

1. Detached Dwellings. Swimming pools shall be allowed in side and rear yards of single-family dwellings in any district and may also be allowed at the back of the house on a double frontage single-family residential lot as approved by the Department. Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines, except that when perimeter setbacks are required, for example in NUP and TR zoned districts, **pools, pool equipment, and decks cannot be located in perimeter setbacks.**

Variance Request

The Applicant is requesting to encroach 30 feet into the 50-foot perimeter setback (shown in blue) to construct a 475 square foot pool with decking (shown in green).



Variance Review Criteria

Zoning Ordinance Section 22.3.1 lists the following considerations for granting a variance:

- a. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or
- b. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

Staff Analysis

The proposed encroachment, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance. The requirement for a perimeter setback was established to ensure adequate separation between more “denser” subdivisions to its neighboring properties to minimize negative visual and noise impacts. Considering that the rear yard of the subject property abuts an existing pool on the neighboring

property and there are two other lots within the subdivision with the same applicable perimeter setback abutting Willow Springs subdivision are developed with a swimming pool, the proposed 30-foot encroachment into the perimeter setback would not impose an adverse impact. It should be noted that the proposed improvement would maintain a greater distance separation (20 feet) from the rear property line than is required by the Zoning Ordinance for a pool and pool decking, which is 10 feet.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-22-0005, **subject to the following conditions:**

- 1) The encroachment for the residential addition shall not exceed 30 feet into the 50-foot perimeter setback as shown on the site plan received by the Community Development Department and date stamped on March 8, 2022.
- 2) The applicant shall provide appropriate plans and documentation showing compliance with all applicable requirements of Chapter 109, Article IV – Post Construction Stormwater Management Ordinance and erosion and sediment control, at time of building permit submittal.